

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TOMMY KASALO,)	
)	
Plaintiff,)	
)	
v.)	Case No. 12-cv-02900
)	
TRIDENT ASSET MANAGEMENT, LLC. and)	Judge Matthew F. Kennelly
OPS 10 LLC,)	
)	Magistrate Judge Michael T. Mason
Defendants.)	
)	

**MOTION FOR EXTENSION OF TIME TO COMPLETE DISCOVERY TO PERMIT
COURT TO RULE ON CERTIFIED QUESTIONS**

Defendants, TRIDENT ASSET MANAGEMENT, LLC (“Trident”) and OPS 10 LLC (“OPS 10”), by their attorneys, David M. Schultz and Corinne C. Heggie, move to extend discovery close of April 5, 2013 up to and including May 6, 2013, and in support thereof, state as follows:

1. On April 18, 2012, plaintiff filed his Complaint alleging violations of the Fair Debt Collection Practices Act (“FDCPA”) (Dkt. #1). On July 23, 2012, plaintiff filed an Amended Complaint. (Dkt. #21) Plaintiff filed a second amended pleading October 22, 2012. (Dkt. #31)
2. On February 25, 2012, defendants filed a motion to extend the discovery close date from March 5, 2013 to April 5, 2013 so the parties could complete oral discovery and resolve any open issues with respect to written discovery. (Dkt. #47)
3. Defendants’ motion to extend discovery was granted.
4. On March 13, 2013, defendants filed a motion compel. (Dkt. #50-51) At the hearing, the parties reported on that defendants would produce their witnesses on March 21,

2013 and March 22, 2013 in Georgia and that plaintiff would be deposed on March 26, 2013. Defendants produced their witnesses.

5. Defendants deposed plaintiff at 2:00 p.m. Thursday, April 5, 2013 through no fault of defense counsel. Plaintiff's counsel canceled his client's deposition on March 25, 2013. (Exhibit C) Plaintiff's deposition had been previously noticed for March 1, 2013 and plaintiff's counsel cancelled that deposition too.

6. At the deposition, plaintiff did not answer several questions. His lawyer asserted the attorney-client privilege and instructed his client not to answer. Plaintiff took his lawyer's advice and did not answer. The questions were certified.

7. While defendants are not in possession of plaintiff's deposition transcript, plaintiff would not answer two questions that were posed in the interrogatories defendants propounded. The two questions were: (1) please identify the date Plaintiff retained his counsel and (2) please identify the date on which Plaintiff first engaged in two way verbal communication with his present counsel. (Exhibit A, Plaintiff's Answers to Interrogatories, Numbers 14 & 15) On January 13, 2013, plaintiff verified those discovery answers. (Exhibit A) While his lawyer objected to those two interrogatories on relevancy, no objection based on the attorney client privilege was made. (Exhibit A) Plaintiff served supplemental discovery answers a few hours before his deposition. (Exhibit B) No attorney client privilege objection was asserted in response to Interrogatories 14 and 15; however, the objection was asserted and plaintiff instructed not to answer those questions later that afternoon.

8. Plaintiff was also asked if he signed a retainer agreement with his lawyer, when he signed the retainer agreement, if he had paid legal bills in this case and if he had been sent legal bills in this case. His lawyer asserted the attorney-client privilege and instructed his client not to answer these questions. Plaintiff took his lawyer's advice and did not answer. The

questions were certified. There could have been other questions certified; however, without the transcript, defense counsel cannot confirm or recall what the other questions were.

9. Defendants seeks to extend the discovery close date specifically to obtain a written copy of plaintiff's deposition transcript, which has already been ordered on an expedited basis, prepare and present the appropriate motion related to the certified questions to the court and obtain answers to the certified questions from plaintiff under oath.

10. This motion is not brought for purposes of delay or harassment. The additional time up to and including May 6, 2013, will permit defendants' to prepare the appropriate motion regarding the questions certified at plaintiff's deposition taken at 2:00 p.m. Thursday, April 4, 2013.

11. Given the fact that discovery closes on April 5, 2013, defense counsel did not seek plaintiff's counsel's consent to this motion and the relief sought herein

WHEREFORE, Defendants, TRIDENT ASSET MANAGEMENT, LLC and OPS 10 LLC, respectfully request this Court grant their Motion and enter an order extending the discovery close date from April 5, 2013 to May 6, 2013 to permit defendants to obtain a written copy of plaintiff's deposition transcript, prepare and present the appropriate motion related to the certified questions to the court and obtain answers to the certified questions from plaintiff under oath.

Respectfully submitted,

By: s/ Corinne C. Heggie
One of the Attorneys for Trident and OPS 10

David M. Schultz
Corinne C. Heggie
HINSHAW & CULBERTSON LLP
222 N. LaSalle Street, Suite 300
Chicago, IL 60601-1081
312-704-3000
(f) 312-704-3001

dschultz@hinshawlaw.com
cheggie@hinshawlaw.com

CERTIFICATE OF SERVICE

I, Corinne C. Heggie, an attorney, certify that I shall cause to be served a copy of the **Motion for Extension of Time to Complete Discovery** upon the following individual(s) as indicated below on this 5th day of April, 2013.

- ☒ CM/ECF
☐ Facsimile
☐ Federal Express
☐ Mail
☐ Messenger

Attorneys for Plaintiff(s)
Mario Kris Kasalo
The Law Office of M. Kris Kasalo, Ltd.
20 North Clark Street
Suite 3100
Chicago, IL 60602

s/Corinne C. Heggie
One of the Attorneys for Defendants

David M. Schultz (Atty. No. 6197596)
Corinne C. Heggie
Attorneys for Defendant
HINSHAW & CULBERTSON LLP
222 N. LaSalle Street, Suite 300
Chicago, Illinois 60601-1081
Phone No: (312) 704-3000
Fax No: (312) 704-3001
E-mail Address: dschultz@hinshawlaw.com
cheggie@hinshawlaw.com